

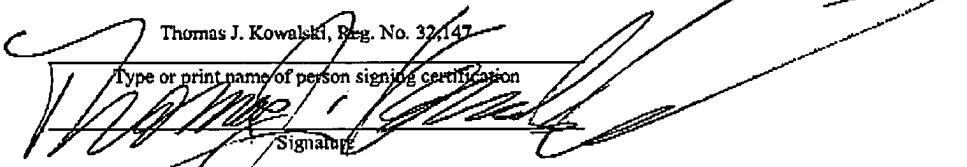
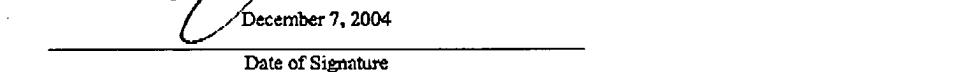
PATENT  
144002-2001IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Douglas T. Dieterich  
 U.S. Serial No. : 09/862,404  
 Filing Date : May 21, 2001  
 For : **METHOD OF TREATING ANEMIA CAUSED BY  
 RIBAVIRIN TREATMENT OF HEPATITIS C  
 USING ERYTHROPOIETIN ALPHA**  
 Group Art Unit : 1647  
 Examiner : Regina M. DeBerry

745 Fifth Avenue  
 New York, NY 10151

FACSIMILE

I hereby certify that this paper is being facsimile transmitted to  
 the Patent and Trademark Office on the date shown below.

  
 Thomas J. Kowalski, Reg. No. 32,147  
 Type or print name of person signing certification  
  
 Signature  
 December 7, 2004  
 Date of Signature

RECEIVED  
 CENTRAL FAX CENTER  
 DEC 07 2004

PETITION UNDER 37 C.F.R. §1.313

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions under 37 C.F.R. §1.313 for the above referenced application to be withdrawn from issuance. In accordance with §1.313(c)(2), this petition is being made in order to file a Request for Continued Examination under §1.114. The Commissioner is hereby authorized to charge the petition fee of \$130.00 as set forth in §1.17(h) or any other fee occasioned by this paper or any paper accompanying this paper, or credit any overpayment to Deposit Account No. 50-0320. The Request for Continued Examination is being submitted in

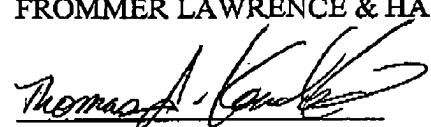
PATENT  
144002-2001

order to file an additional Information Disclosure Statement and an Amendment, both of which accompany this Petition.

An early and favorable decision on this petition is respectfully requested.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

  
Thomas J. Kowalski  
Reg. No. 32,147  
(212) 588-0800